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FILED 10 SEP 20 10:34 USDC-ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

FLIR SYSTEMS, INC., an Oregon
corporation,

Plaintiff,

v.

THOMAS L. GAMBARO, an individual;
and **MOTIONLESS KEYBOARD
COMPANY**, an Oregon corporation

Defendants.

Case No. CV 10-0231-BR

**DEFENDANT MOTION TO STRIKE
ANSWERS & DEFENCES
DUE TO INCORRECT CAPTION**

DEMAND FOR JURY TRIAL

**DEFENDANT MOTION TO STRIKE
ANSWERS & DEFENCES DUE TO INCORRECT CAPTION**

On April 29, 2010 Plaintiff FLIR filed: FIRST AMENDED COMPLAINT FOR DECLARATORY JUDGMENT OF NONINFRINGEMENT AND INVALIDITY OF PATENT in Case No. 10-0231-BR that was Document 15. This document was filed by Christopher Lewis from SCHWABE, WILLIAMSON, & WYATT and the caption for Document 15 was:

FLIR SYSTEMS, INC., an Oregon
corporation,

Plaintiff,

vs.

THOMAS L. GAMBARO, an individual
d/b/a **PATENT ENFORCEMENT
COMPANY; MOTIONLESS
KEYBOARD COMPANY**, an Oregon
corporation.

Defendants.

Judge Anna J. Brown has DENIED Defendant Motion 01 to Amend Caption in DOCKET # 17. This Defendant Motion 01 was DENIED with leave to renew (minute Order #48) and therefore PATENT ENFORCEMENT COMPANY is not currently a party in this case so PATENT ENFORCEMENT COMPANY is a non-party in this case and outside of the Court's jurisdiction. The correct caption for the case now is:

FLIR SYSTEMS, INC., an Oregon
corporation,

Plaintiff,

vs.

THOMAS L. GAMBARO, an individual
MOTIONLESS KEYBOARD COMPANY,
an Oregon corporation.

Defendants.

The September 16, 2010 filing Plaintiff FLIR filed: **ANSWER AND
AFFIRMATIVE DEFENSES TO DEFENDANT GAMBARO'S
COUNTERCLAIMS** using the same caption in Document 81 as was used for Document
DEFENDANT OPPOSITION TO MOTION TO STRIKE ANSWERS

15 in Case No. 10-0231-BR that is since the ruling Judge Anna J. Brown where Defendant Motion 01 was DENIED to Amend Caption in DOCKET # 17 is an improper and unauthorized caption that attempts to enter a non-party in this case that is PATENT ENFORCEMENT COMPANY. Plaintiff FLIR has misrepresented the jurisdiction in this case as was also argued in the pending motion **DEFENDANT MOTION PURSUANT RULE 12 (b) TO DISMISS CASE** filed on September 17, 2010, that will also be ruled on and related to this motion.

The true party of interest in this case is not Thomas L. Gambaro or Motionless Keyboard Company in this case and Plaintiff FLIR has provided no evidence to confirm or deny that either Defendant(s) now are the true party of interest and because Thomas L. Gambaro filed the registration of PATENT ENFORCEMENT COMPANY that the individual is now the true party of interest when clearly the evidence confirms Thomas L. Gambaro and PATENT ENFORCEMENT COMPANY are not the same party.

The Defendant(s) respectfully request that this motion be granted as well with pending motion **DEFENDANT MOTION PURSUANT RULE 12 (b) TO DISMISS CASE** to strike Plaintiff FLIR ANSWER AND AFFIRMATIVE DEFENSES TO **DEFENDANT GAMBARO'S COUNTERCLAIMS**.

Dated: September 20, 2010

Respectfully submitted,

By: 

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 20, 2010, a true copy of the foregoing **DEFENDANT MOTION TO STRIKE ANSWERS & DEFENCES DUE TO INCORRECT CAPTION** was served to the following counsel by hand delivery, electronic filing via e-mail with electronic signature and first class mail:

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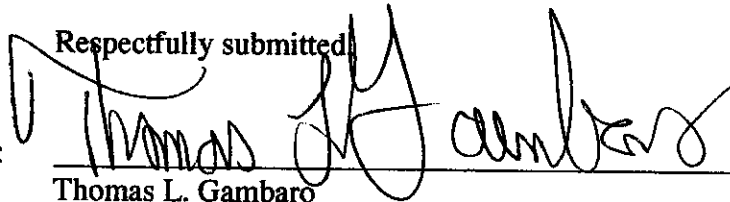
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Attorneys for Plaintiff FLIR Systems, Inc.

Respectfully submitted,

September 20, 2010 By:



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